

BEFORE THE COMMUNITY DEVELOPMENT DIVISION
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING ON
adoption of a new rule for the)	PROPOSED ADOPTION AND
administration of grants)	REPEAL
awarded by the 2005)	
Legislature and the repeal of)	
8.94.3801 and 8.94.3803)	
pertaining to the Treasure)	
State Endowment Program (TSEP))	

TO: All Concerned Persons

1. On November 17, 2005, at 1:30 p.m., a public hearing will be held in Room 202, 301 South Park Avenue, Helena, Montana, to consider the adoption by reference of rules governing the administration of the Treasure State Endowment Program (TSEP) grants awarded by the 2005 Legislature and the repeal of the above-stated rules.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Community Development Division no later than 5:00 p.m., on November 10, 2005, to advise us of the nature of the accommodation that you need. Please contact Jim Edgcomb, Community Development Division, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620; telephone (406) 841-2785; TDD (406) 841-2702; facsimile (406) 841-2771; e-mail to jedgcomb@mt.gov.

3. The proposed new rule provides as follows:

NEW RULE I INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF TREASURE STATE ENDOWMENT GRANTS AWARDED BY THE 2005 LEGISLATURE (1) The department of commerce adopts and incorporates by reference the Montana Treasure State Endowment Program 2005 Project Administration Manual published by it as rules for the administration of grants awarded by the 2005 legislature to fund TSEP projects.

(2) The rules incorporated by reference in (1) relate to the following:

- (a) project start up;
- (b) environmental requirements;
- (c) procurement requirements;
- (d) financial management;
- (e) civil rights;
- (f) labor requirements;
- (g) property acquisition;
- (h) public facilities construction management;
- (i) involving the public;

- (j) project monitoring;
- (k) project closeout;
- (l) preliminary engineering grants; and
- (m) emergency grants.

(3) Copies of the manual adopted by reference in (1) may be obtained from the Department of Commerce, Community Development Division, P.O. Box 200523, Helena, Montana 59620-0523.

AUTH: 90-6-710, MCA

IMP: 90-6-710, MCA

REASON: It is reasonably necessary to adopt this rule because local government entities must be made aware of the department's requirements for obtaining the funds that have been awarded by the 2005 Legislature, administering the TSEP funds during the construction of their projects, and managing their construction projects in general. The rule is also reasonably necessary to set out the requirements for administering preliminary engineering and emergency grant funds appropriated to the department.

4. The department proposes to repeal the following rules:

8.94.3801 INCORPORATION BY REFERENCE OF RULES FOR ADMINISTERING THE TREASURE STATE ENDOWMENT PROGRAM (TSEP) found on page 8-3429 of the Administrative Rules of Montana.

AUTH: 90-6-710, MCA

IMP: 90-6-710, MCA

8.94.3803 INCORPORATION BY REFERENCE OF RULES FOR ADMINISTERING THE 1996 TREASURE STATE ENDOWMENT PROGRAM found on page 8-3430 of the Administrative Rules of Montana.

AUTH: 90-6-710, MCA

IMP: 90-6-710, MCA

REASON: Both rules were applicable to projects that were funded by the 1993 and 1997 Legislatures that have now been completed. The requirements related to applying to the program and administering the awarded grants for those projects are no longer required.

5. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Community Development Division, 301 South Park Avenue, P.O. Box 200523, Helena, Montana, 59620; by facsimile to (406) 841-2771; or by e-mail to jedgcomb@mt.gov to be received no later than 5:00 p.m., November 28, 2005.

6. An electronic copy of this Notice of Proposed Adoption and Repeal is available through the department's site on the World Wide Web at <http://commerce.mt.gov>. The Department strives to make the electronic copy of this Notice

of Proposed Adoption and Repeal conform to the official version of the Notice as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. Jim Edgcomb has been designated to preside over and conduct this hearing.

8. The Community Development Division maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Division. Persons who wish to have their name added to the list may make a written request, which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding rules relating to the Treasure State Endowment Program. This request may be mailed or delivered to the Community Development Division, 301 South Park Avenue, Helena, Montana 59620, transmitted by facsimile to (406) 841-2771, or made by completing a request form at any rules hearing held by the Division.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

COMMUNITY DEVELOPMENT DIVISION
DEPARTMENT OF COMMERCE

By: /s/ ANTHONY J. PREITE
ANTHONY J. PREITE, DIRECTOR
DEPARTMENT OF COMMERCE

By: /s/ G. MARTIN TUTTLE
G. MARTIN TUTTLE, RULE REVIEWER

Certified to the Secretary of State October 17, 2005